

2161



Re: Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: February 7, 2003

TRANSMITTAL LETTER

File No.: A0,031

In re: Applicant(s): Barry J. Fiala and
Mark B. Hodes
Assignee: Riverborne Communications, Inc.
Serial No.: 10/041,934
Filed: Jan. 8, 2002
For: Point-of-Sale Activation and
Subsequent Registration of
Products

Art Unit: 2161

Examiner:

IDS

Docket No.: A0,031

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GROUP 3600

TO THE COMMISSIONER FOR PATENTS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing:

Supplementary Information Disclosure Statement (2 pages); Transmittal
Letter (1 page); PTO 1449 (with 10 references) and return Postcard.

Also enclosed is my check in the sum of \$000.00 for the required fee.

Please charge any additional fees or credit any overpayment concerning
the filing of the enclosed documents to Deposit Account No. 23-0125.

Respectfully submitted,

Riverborne Communications, Inc.,

Assignee

Date: 2/7/2003

By: Russell H. Walker

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an en-
velope addressed to: Comm-
issioner for Patents, Washington, D.C.
20231, on 2/7/2003

Russell H. Walker
Russell H. Walker Reg. No. 35,401
Date: 2/7/2003

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Registration No. 35,401
Attorney for Assignee



Re: Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Barry J. Fiala and Group Art Unit: 2161
Mark B. Hodes
Assignee: Riverborne Examiner:
Communications, Inc.
Application No.: 10/041,934 SUPPLEMENTARY IDS
Filed: January 8, 2002 Docket No.: A0,031
For: Point-of-Sale Activation and Subsequent Registration of Products

COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

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SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.56

Submitted herewith on Form PTO-1449 is a listing of patents and publications known to applicants in order to comply with applicants' duty of disclosure pursuant to 37 C.F.R. § 1.56. This supplemental disclosure is in addition to the Information Disclosure Statement submitted with applicants' specification of their invention, and is being submitted because applicants and/or the undersigned attorney just recently, after the filing of the application and its accompanying Information Disclosure Statement, became aware of these documents. A copy of each listed patent and publication is also being submitted to comply with the provisions of 37 C.F.R. §§ 1.97-1.99.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application. Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

Documents AA through AI were cited in the International Search Report for Assignee's corresponding co-pending PCT Application PCT/US02/00934 as "Category A" documents defining the general state of the art which is not considered to be of

particular relevance, and were noted as being relevant to claims 1-50.

Document AR is a picture of the front and back of a product recently discovered on retail store shelves, and is of unknown date. Assignee also notifies the U.S.P.T.O., as it has previously done in documents filed in connection with the Petition to Accept this application without the signatures of all inventors, that the ownership of this invention is the subject of a still-pending state court action filed by Assignee Riverborne Communications, Inc., against inventor Hodes, namely, *Riverborne Communications, LLC v. Mark B. Hodes* (Tennessee Chancery Court, Memphis, Tennessee, Case CH-01-1564-3).

Finally, Assignee notes, upon information and belief, that inventor Mark Hodes has filed the following patent applications in the U.S. Patent and Trademark Office: 10/198,877 (filed July 19, 2002); 10/061,891 (Filed October 26, 2001); 10/038,415 (filed January 3, 2002); and 10/008,306 (filed December 7, 2001).

Because this Supplementary IDS is being filed prior to the mailing of any Office Action on the merits, no fee should be required for its submission. 37 C.F.R. § 1.97(b)(3). However, if any filing fee is required for the filing of this Supplementary IDS, please charge any such fee, or refund any overpayments, to Deposit Account 23-0125.

Respectfully submitted,

Riverborne Communications, Inc.,

Assignee

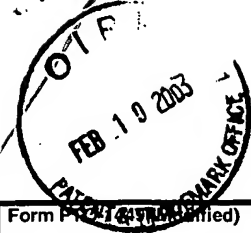
Date: 2/7/2003

By: Russell H. Walker

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on 2/7/2003

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Form PTO/SB-089 (Rev. 10-1999)

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

**LIST OF PRIOR ART
CITED BY APPLICANT**

(Use Several Sheets if Necessary)

Atty. Docket No.: A0,031
Appl No.: 10/041,934
Applicants: Barry J. Fiala and Mark B. Hodes
Filing Date: Jan. 8, 2002
Group: 2161

U.S. Patent Documents

Examiner Initial		Document Number	Date	Name	Class	Sub-class	Filing Date
	AA	4,528,643	7/9/85	Freeny, Jr.	364	900	1/10/83
	AB	5,327,485	7/5/94	Leaden	379	95	12/1/92
	AC	5,367,148	11/22/94	Storch <i>et al.</i>	235	375	3/15/91
	AD	5,809,144	9/15/98	Sirbu <i>et al.</i>	380	25	8/24/95
	AE	5,950,173	9/7/99	Perkowski	705	26	5/12/97
	AF	6,018,719	1/25/00	Rogers <i>et al.</i>	705	24	10/2/96
	AG	6,212,638	4/3/01	Lee <i>et al.</i>	713	179	12/2/97
	AH	6,243,468	6/5/01	Pearce <i>et al.</i>	380	255	4/29/98
	AI	6,327,363	12/4/01	Henderson <i>et al.</i>	379	265.01	11/24/98
	AJ						
	AK						

Foreign Patent Documents

Examiner Initial		Document Number	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							
	AQ							

Other Prior Art (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	FastWeb Prepaid Internet Access Starter Kit, U.S. South Communications, Inc. (date unknown).
	AS	
	AT	
	AU	
Examiner		Date Considered